

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IRA A. JOHNSON,	:	CIVIL ACTION
Petitioner	:	
	:	
v.	:	
	:	
PAUL K. SMEAL, <i>et al.</i> ,	:	
Respondents	:	NO. 08-3670

**ORDER**

**AND NOW**, this 15<sup>th</sup> day of April, 2011, upon consideration of Petitioner's Protective Petition for an Extended Order of Stay and/or Abeyance (Document No. 8), the Commonwealth's Response thereto (Document No. 11), Petitioner's Supplemental Memoranda (Document No. 20), the Commonwealth's Supplemental Memorandum (Document No. 21), and for the reasons explained in the Court's Memorandum of today, it is hereby **ORDERED** that:

1. Petitioner's request for an extended stay is **GRANTED**; and
2. Within thirty (30) days of state court determination of his currently-pending third Post Conviction Relief Act petition, Petitioner shall plead a cognizable claim in federal court based upon the newly discovered facts provided by Terrance Johnson on August 24, 2010.

**IT IS SO ORDERED.**

BY THE COURT:

/s/ Carol Sandra Moore Wells  
CAROL SANDRA MOORE WELLS  
United States Magistrate Judge